

**KENTUCKY PERSONNEL BOARD  
MINUTES OF MARCH 14, 2014**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chairman Doug Sapp on March 14, 2014, at approximately 9:30 a.m., 28 Fountain Place, Frankfort, Kentucky.

**Board Personnel Present:**

Wayne "Doug" Sapp, Chairman  
Larry B. Gillis, Vice Chairman  
David B. Stevens, Member  
David F. Hutcheson, Jr., Member  
Tommy W. Chandler, Member  
Donald W. "Don" Blevins, Member  
Ramona Herndon, Member  
Mark A. Sipek, Executive Director and Secretary  
Boyce A. Crocker, General Counsel  
Linda R. Morris, Administrative Section Supervisor  
Cynthia Perkins, Administrative Specialist

2. **READING OF THE MINUTES OF REGULAR MEETING HELD FEBRUARY 14, 2014**

The minutes of the last Board meeting had been previously circulated among the members. Chairman Sapp asked for additions or corrections. Mr. Blevins moved to approve the minutes, as submitted. Ms. Herndon seconded and the motion carried 6-0. The Board members signed the minutes.

3. **EXECUTIVE DIRECTOR'S REPORT**

Mr. Sipek stated that the budget situation for the current fiscal year is doing well and he does not foresee having to stop using any Hearing Officers. Chairman Sapp asked if the Board's budget for next year looks good. Mr. Sipek stated that the Board will be in about the same situation as the present one.

Request for investigation referred by Executive Branch Ethics Commission  
against the Public Service Commission - **Update**

Mr. Sipek advised that he should finish interviewing witnesses within the next week or so and hopes to have a report for the Board's review at the May 2014 meeting.

[Note: Dr. Stevens arrived at 9:35 a.m.]

#### 4. **PERSONNEL CABINET'S REPORT**

The Hon. Dinah Bevington was present to present the Personnel Cabinet's report.

Ms. Bevington stated that the Cabinet is on hand during the Legislative session to provide LRC with information, budget, reports, testimony, etc., which keeps them very busy.

The Humana "Living Well Promise" health assessment is a mandatory fulfillment due by May 1. So far 67,000 (about 53%) participants have completed the assessment and most were completed in the first month. If an employee chose this health benefit and has not completed this assessment by May 1, they will not be eligible to participate in this plan during the 2015 calendar year. Health assessment tours will be given throughout the state and one tour is scheduled in Frankfort on April 22, 2014, from 11:00 a.m. to 6:00 p.m.

The Personnel Cabinet's Division of Employee Management is gearing up to audit the 2013 annual employee performance evaluations which will take a few months to complete. Ms. Bevington stated that both employees and supervisors are getting the needed training and are taking the evaluation process more seriously.

#### 5. **ORAL ARGUMENTS - NONE**

#### 6. **CLOSED SESSION**

Dr. Stevens moved that the Board go into Executive Session for the purposes of discussing complaints, proposed or pending litigation, and deliberations regarding individual adjudications. Mr. Hutcheson seconded. Chairman Sapp stated that the motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum. Pursuant to KRS 61.810(1) (c), (f), and (j), the Kentucky Open Meetings Act, the Board will now retire into closed Executive Session. Specific justification under the Kentucky Open Meetings Act for this action are as follows, because there will be discussion of proposed or pending litigation against or on behalf of the Board; and deliberations regarding individual adjudication. The motion carried 7-0. (9:50 a.m.)

Mr. Gillis moved to return to open session. Dr. Stevens seconded and the motion carried 7-0. (10:35 a.m.)

7. **CASES TO BE DECIDED**

The Board reviewed the following cases. At that time, the Board considered the record including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments where applicable.

- A. Glass, et al v. Finance and Administration Cabinet (6 appeals: 2012-225, 2012-226, 2012-227, 2012-230, 2012-231 and 2012-232)

Judge Chandler moved to note Appellant's exceptions and Appellee's response and to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 7-0.

- B. Paul J. Scott v. Finance and Administration Cabinet and Cabinet for Health and Family Services (2012-153)

Mr. Hutcheson moved to note Appellee Cabinet for Health and Family Services' exceptions and to accept the recommended order dismissing the appeal. Mr. Gillis seconded and the motion carried 7-0.

- C. Wanga Cook v. Justice and Public Safety Cabinet (Corrections) (2013-224)

Mr. Gillis moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 7-0.

- D. Frank Crockett v. Public Protection Cabinet (2013-003)

Mr. Hutcheson moved to accept the recommended order dismissing the appeal (with clerical correction). Judge Chandler seconded and the motion carried 6-0, with Mr. Gillis recusing.

- E. Jessica Harris v. Education and Workforce Development Cabinet (2013-070)

Mr. Blevins moved to accept the recommended order sustaining the appeal to the extent of raising Appellant's evaluation to the "Good" category. Ms. Herndon seconded and the motion carried 7-0.

### **Show Cause Orders - Appeals Dismissed – No Response Filed**

The following case had a show cause order entered by the hearing officer recommending that the appeal be dismissed for failure to timely prosecute unless a statement was filed by the Appellant stating sufficient cause to excuse his failure to appear at the scheduled hearing. There was no response submitted by the Appellant to the show cause order.

F. Dustin Stone v. Justice and Public Safety Cabinet (Corrections)

Mr. Blevins moved to accept the recommended order dismissing the appeal for failure to timely prosecute as the Appellant had not responded to the show cause order. Ms. Herndon seconded and the motion carried 7-0.

### **8. WITHDRAWALS**

Mr. Gillis moved to consider the following withdrawals of appeals *en bloc* and to accept the withdrawals and dismiss the appeals. Mr. Hutcheson seconded and the motion carried 7-0.

- A. Samara Baker v. Cabinet for Health and Family Services
- B. Douglas Kulac v. Justice and Public Safety Cabinet (DJJ)
- C. Kevin Miller v. Finance and Administration Cabinet and Personnel Cabinet
- D. Alberto Otano, Jr. v. Cabinet for Health and Family Services (3 appeals)
- E. Lana Rodgers v. Department of Veterans' Affairs

### **9. SETTLEMENTS**

Dr. Stevens moved to accept settlements "A through G" *en bloc* [with "E" contingent upon approval of the Cabinet's Appointing Authority for both appeals (2013-173 and 2013-177)<sup>1</sup>] as submitted by the parties, and to sustain the appeals to the extent set forth in the settlements. Mr. Hutcheson seconded and the motion carried 7-0.

- A. Jackson McBride v. Cabinet for Health and Family Services
- B. Maryam Mohammed v. Department of Veterans Affairs
- C. Theresa James v. Cabinet for Health and Family Services
- D. Ursula Johnson v. Cabinet for Health and Family Services (mediated)
- E. Larry Sanderson v. Transportation Cabinet (2 appeals)

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<sup>1</sup> The Settlement Agreement and Release was approved by Carol Beth Martin, Appointing Authority for the Transportation Cabinet, for Larry Sanderson's two appeals (2013-173 and 2013-177) on March 14, 2014.

- F. Paul J. Scott v. Finance and Administration Cabinet and Cabinet for Health and Family Services
- G. Kathy Hare v. Cabinet for Health and Family Services

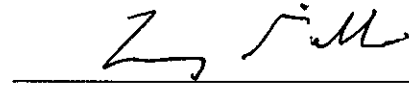
10. **OTHER**

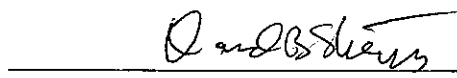
Mr. Blevins inquired if the June meeting was officially changed to Monday, June 16, 2014. Ms. Morris stated it was.

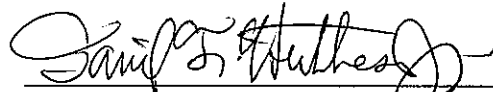
Mr. Gillis had one question for Mr. Sipek or Mr. Crocker concerning legislation proposing that LRC employees have similar appeal rights as Executive Branch employees. Mr. Sipek stated that no one has contacted the office on that matter.

There being no further business, Dr. Stevens moved to adjourn. Judge Chandler seconded and the motion carried 7-0. (10:41 a.m.)

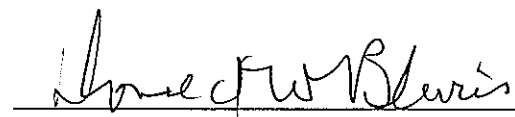
  
Wayne D. Sapp, Chairman

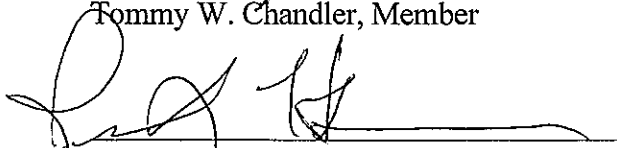
  
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